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DATE MAILED: 06/16/2004

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/701,950	02/14/2001	Guohua LT	9793822-0118 1664		
75!	90 06/16/2004		EXAMINER		
David R Metzger			BOS, STEVEN I		
Sonnenschein N	ath & Rosenthal				
Wacker Drive Station			ARTUNIT	PAPER NUMBER	
PO Box 061080			1754		
Chicago, IL 66	0606-1080				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    Examiner   Steven Bos   1754   1754   1754						<i>(</i> )
Examiner  Steven Bos  Art Unit  1754  Ashortened by Ashortened this communication appears on the cover sheet with the correspondence address  Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  THE MAILING DATE OF THIS COMMUNICATION.  Educations of them may be available under the proteins of 37 CPR 1.138(a). In no event, however, may a reply be timely filled after 30.(c) MoNTH's form the making date of this communication.  If NO period for reply is appendiate above, the maximum statutory period uplapy within the status period for reply is appendiated above, the maximum statutory period uplapy with the speciation to become ABANDONED (35 U.S.C. § 133).  Any reply received by the Office late than three months after the maining date of this communication, even if timely filled, may reduce any control period for reply with the status of the protein and period for reply with the status of the protein and period for reply with the status of the protein and period for reply with the status of the protein and period for reply with the status of the period for reply with the status of the period for reply with a period by the Status of the period by the Status of CPR 1.784(6).  Status  1) Responsive to communication(s) filled on 10 May 2004.  2a) This action is FINAL.  2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 7.11.13 and 14-30 is/are pending in the application.  4a) Of the above claim(s) is/are pending in the application.  4a) Of the above claim(s) is/are rejected.  Claim(s) 17.11.15 and 21 is/are rejected.  7) Claim(s) 17.11.15 and 21 is/are rejected.  10 The specification is objected to by the Examiner.  1	. \	-	Application No.	<del></del>	Applicant(s)	
Steven Bos   1754    The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply    A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Edenolated of this may be available under the provisions of 37 CFR 1.138(a). In no event, however, may a reply be timely filed after SX (6) MONTHS from the mailing date of this communication.  If the period for reply specified above is less than this (30) days, and the specified above is less than this (30) days, and the specified and the specified above is less than this (30) days, and the specified an	Office Action Summary		09/701,950		LI ET AL.	
- The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provisions of 37 CPR 1.136(a). In no ovent, however, may a reply be timely filled  If the periods for reply specified above, is the small mith (20) days, a neply within the statutory minimum of thinty (30) days will be considered limely.  If NO period for reply is apecified above, is the small mith (20) days, a neply within the statutory period vill apply and will expire SIX (6) MONTH'S from the mailing date of time.  If NO period for reply is apecified above, is the small mith (20) days, a neply within the statutory indication to become APARONDEC (52 to 5.135).  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filled, may reduce any counted patric them seliparation.  Pallivate for exply which the set or admendel period for reply with (b) set along the communication, even if timely filled, may reduce any counted patric them seliparation.  As a construction of the set of the set of the communication, even if timely filled, may reduce any counted patric them seliparation is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s)			Examiner		Art Unit	
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A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be waitable under the provisions of 3 CFR 1.136(a). In no event, however, may a reply be timely filled after SIX (6) MONTHS from the mailing date of this communication.  If the period for reply specified above is times tain with (50) days, a copy within the statutory minimum of thinty (30) quays will be considered limely.  Failure to reply specified above is times tain with (50) days, a copy within the statutory minimum of thinty (30) quays and the considered limely.  Failure to reply which the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply occaving the term adjustment. See 37 CFR 1.704(b).  Status  1)  Responsive to communication(s) filled on 10 May 2004.  2a) This action is FINAL.  2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quay/le, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 7.10.11 and 14-30 is/are pending in the application.  4a) Of the above claim(s) is/are allowed.  Claim(s) 7.10.11 and 14-30 is/are rejected.  Claim(s) 7.11.15 and 21 is/are rejected.  Claim(s) 7.11.15 and 21 is/are rejected to.  Claim(s) 7.11.15 and 21 is/are rejected to.  Claim(s) 7.11.15 and 21 is/are rejected to.  Replication Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filled on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made			ears on the cove	r sheet with the c	correspondence ad	idress
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Attachment(s)	Attachmen	t(s)				
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date  S. Patent and Trademark Office.	1)  Notice 2) Notice 3) Inform Pape	te of References Cited (PTO-892) te of Draftsperson's Patent Drawing Review (PTO-948) mation Disclosure Statement(s) (PTO-1449 or PTO/SB/08) or No(s)/Mail Date	5) 🔲	Paper No(s)/Mail Da Notice of Informal P	ate	O-152)

Art Unit: 1754

It is noted that in claim 25, the second occurrence of  $\text{Li}_x M_y PO_4$  should be --  $\text{Li}_x Mn_y PO_4$ .

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 7,11,15,21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In claims 7,11,15,21, the recitation of "Sc, Ti, V, Cr, ... and Zn" is new matter.

Applicant argues that it is commonly known that the 3d transition metal group includes the recited metals and provides a copy of the Periodic Table.

However it does not provide evidence that this is commonly known. Nowhere in the provided Periodic Table is there any mention of "3d transition metal group" or what same is considered to be. If applicant can provide a known definition of "3d transition metal group" then there is no need to also recite the group of metals. If it is insisted that the group of metals be recited in the claims then same needs to also be recited in the specification.

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Applicant's arguments filed May 10, 2004 have been fully considered but they are not persuasive. Applicant's arguments have been answered in the body of the rejection above.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Bos whose telephone number is 571-272-1350. The examiner can normally be reached on M-F, 8AM-6PM but is on increased flexitime sch.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman can be reached on 571-272-1358. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

-1100*).* /

Steven Bos

Primary Examiner

Art Unit 1754